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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/219,747	12/23/1998	AKANE YOKOTA		4406

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EXAMINER

TRAN, KHANH C

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/219,747	<b>Applicant(s)</b> YOKOTA ET AL.	
	<b>Examiner</b> Khanh Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-16, 19-22, 24-27 and 71-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-16, 19-22, 24-27 and 71-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Amendment filed on 05/08/2006 has been entered. Claims 14-16, 19, 21-22, 24-27 and 71-77 are pending in this Office action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 14-16, 19-27, 40 and 53-70 have been considered but are moot in view of the new ground(s) of rejection.

3. The Amendment to the Specification has been reviewed and entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-16, 19, 22, 27 and 71-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugikawa et al. U.S. Patent 5,742,745.

Regarding claim 14, FIG. 1 illustrates a general data processing device, which requests and provides services, including a controller unit 402 a data recorder unit 404, and a communication control unit 410; see column 11 lines 15-40.

In column 16 lines 55-65, Sugikawa et al. teaches in the Embodiment 2 how group X, comprising devices A, B and C is formed. As taught in column 16 line 55 via column 17 line 30, the user of a data processing device A prepares group X and makes a service request.

Sugikawa et al. does not explicitly teach requesting from a first communication apparatus, an assignment of group identification information to manage a group formed from a part of communication apparatuses in a communication system as claimed in the application claim.

However, Sugikawa et al. further teaches that the controller unit 402 of the device possessed by the user who requested grouping provides a group identification number to the group so formed and manages the group identification number as correlated with the identification numbers of the devices belonging to the group. For example, the controller unit 402 of device A assign devices A, B and C to group X and maintain the data in that correlation in its data recorder unit 404; see column 17 lines 20-30. Because the user of a data processing device A makes a service request of forming and managing a group, one of ordinary skill in the art at the time the invention was made would have recognized that the user of a data processing device A makes a service request of forming a group to a communication device and being assigned a group identification number, which is provided to devices B and C in the group.

In column 17 lines 1-10 and 35-50, Sugikawa et al. teaches that the controller unit 402 periodically transmits a device confirmation packet to all devices via the communication control unit 410 and judges that the devices responding to the device

confirmation packet are communicable devices. And any device belonging to the group withdraws from the group, the group managing data is updated at each device.

In column 17 lines 40-55, Sugikawa et al. teaches that a group identification data section is provided in the destination identification data section of the packet and the group identification number is set. A typical construction of a packet for group communication is shown in FIG. 8(c). The communication control unit 410 of each device does, on reception of data, examine the group identification data, compare the data with the group management data, and, if it is addressed to the group to which the device of its own belongs, read out and analyze the received data from the buffer.

Regarding claim 15, as recited in claim 14, the communication control unit 410 of each device does, on reception of data, examine the group identification data, compare the data with the group management data, and, if it is addressed to the group to which the device of its own belongs, read out and analyze the received data from the buffer. In view of that, the communication control unit 410 performs multi-address calling in the group on the basis of the group identification data as claimed.

Regarding claim 16, as recited in claim 14, the controller unit 402 of the device possessed by the user who requested grouping provides a group identification number to the group so formed and manages the group identification number as correlated with the identification numbers of the devices belonging to the group.

Regarding claim 19, Sugikawa et al. does not explicitly teach the assigned group identification is released when the group communication is complete.

However, in column 18 lines 10-20, Sugikawa et al. further teaches that a quick service can be realized by managing a plurality of devices on a network as a group and selecting the service providing device from the group in response to a service request. In column 5 lines 35-50, Sugikawa et al. teachings provide a communication device such that *the service to be provided by any device on a network need not be registered in the respective devices or a service providing device but rather, in response to a service call from a user*, an automatic connection to his device is obtained for access to that service. In light of the foregoing teachings, it would have been obvious for one of the ordinary skill in the art at the time the invention was made Sugikawa et al. teachings could be modified such that that the group is only formed when necessary and after the completion of the service the group 9, e.g. group identification information, is released.

Regarding claim 22, as recited in claim 14, the controller unit 402 of the device possessed by the user who requested grouping provides a group identification number to the group so formed and manages the group identification number as correlated with the identification numbers of the devices belonging to the group.

Regarding claim 27, claim 27 is rejected on the same ground as for claim 14 because of similar scope.

Regarding claim 71, Sugikawa et al. teaches in column 17 lines 30-40 that the controller unit 402 of each device stores the group identification number and the identification numbers of devices constituting the group as an unit in the data recorder unit 404.

Regarding claim 72, claim 72 is rejected on the same ground as for claim 14 because of similar scope.

Regarding claim 73, claim 73 is rejected on the same ground as for claim 71 because of similar scope.

Regarding claim 74, claim 74 is rejected on the same ground as for claim 19 because of similar scope.

Regarding claim 75, claim 75 is rejected on the same ground as for claim 14 because of similar scope.

Regarding claim 76, claim 76 is rejected on the same ground as for claim 14 because of similar scope. Sugikawa et al. does not teach a computer executable program, stored in a computer-readable medium, for executing a method as set forth in the application claim. However, with the advance of computer programming, one of ordinary skill in the art at the time the invention was made would have been motivated

to implement such a computer program for executing a method as discussed in claim 14 for simulating and testing purposes.

Regarding claim 77, claim 77 is rejected on the same ground as for claim 14 because of similar scope.

5. Claims 21 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugikawa et al. U.S. Patent 5,742,745 as applied to claim 14 above, and further in view of Cadd et al. U.S. Patent 5,691,979 (previously cited).

Regarding claim 21, Sugikawa et al. does not teach the group identification information is a frequency hopping pattern used in performing frequency hopping communication as claimed by Applicants.

Sugikawa et al., however, discloses in column 14 lines 20-25 that the communication control unit 410 transacts with external in data and can be implemented by any of the wire, radio, light, infrared light and sound communication methods. Also in column 17 lines 43-50, the group identification data section is provided in the destination identification data section of the packet.

In column 2 lines 25-50, referring to figure 1, Cadd et al. teaches a wireless infrastructure-less communication system as shown in FIG. 1 in which one or more talk groups 13 are configured prior to communication and are fixed



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until re-configured by assigning a unique group identification (ID) to each talk group 13.

In column 2 lines 50-60, each station 11 in a talk group 13 communicates using a protocol, which supports slow frequency hopping. In column 3 lines 1-15, during operation, all stations 11 in each talk group 13 listen on their assigned ACK channel 101 for that group. Each station 11 may sense a request, in the form of a group ID, from others within their talk group 13 in order to initiate communication. In column 2 lines 55-67, because Cadd et al. teachings of supporting frequency hopping is to resolve collisions between stations 11 which occur in the system when more than one station 11, in a talk group 13, requests communication at the same time, one of ordinary skill in the art at the time the invention was made would have been motivated to implement the frequency hopping as discussed in Cadd et al. invention for data communication.

Regarding to claim 24, in column 3 lines 35-50, as seen in FIG. 2 of Cadd et al. teachings, L hopping sequences are available, which can be used by the talk group 13. Each of the L hopping sequences are composed of K communication channels in the set where L and K represent integers greater than 1. To avoid collision in case of simultaneous transmission, it would have been obvious for one of ordinary skill in the art at the time the invention was made that Cadd et al. teachings can be modified so that each station 11 can be assigned a hopping sequence.

Regarding claim 25, in column 8 lines 5-30 of Cadd et al. invention, the method utilizes a signaling protocol using a plurality of frames, which are transmitted between an initiating station and at least one non-initiating station. Hence, the information transmission right is assigned to the initiating station in accordance with a time during which one communication frame is communicated.

Regarding to claim 26, Sugikawa et al. and Cadd et al. do not teach the group communication is performed on the basis of accounting information.

In column 2 lines 45-55, because Cadd et al. suggests the utility of radio links established can include both digital voice and data communication, therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made that Cadd et al. teachings can be modified so that the group communication is performed on the basis of accounting information.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tajika et al. U.S. Patent 6,118,771 discloses "System And Method For Controlling Communication".

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT

Khanhcong Tran

07/19/2006

Primary Examiner KHANH TRAN